

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

MARTIN RUIZ DIAZ,)	CASE NO. C04-0492-JLR
)	
Plaintiff,)	
)	
v.)	ORDER
)	
EQUITY OFFICE MANAGEMENT LLC,)	
et al.,)	
)	
Defendants.)	
_____)	

In his order referring this case to the undersigned for a settlement conference (Dkt. 51), Judge Robart ordered that all parties, including principals with ultimate settlement authority, be present at any settlement conference, and that waiver of a principal's absence could be granted only by the undersigned settlement judge. In a letter to the court yesterday, defendants have requested such a waiver for the presence of their principal. Defendant's lead counsel has advised that defendants' principal, located out-of-state, would be available to participate in the settlement conference telephonically, but that her schedule does not permit an absence away from the office for the entire day tentatively scheduled for the settlement conference. Defendants' lead counsel has spoken with plaintiff's counsel, who did not express objection to this arrangement.

The court has considered defendants' letter, and hereby DENIES the request for a waiver. In making this decision, the court takes note of defendants' view that the likelihood of settlement appears slim. Defendants have referred to the fact that their principal personally attended an

01 unsuccessful mediation effort on March 10, 2005, without being required to do so and at
02 considerable expense. Defendants have further advised that since that mediation, counsel have had
03 informal settlement discussions, without success. However, the Court notes that mediator John
04 Cooper's Notice of Mediation (Dkt. 31) has recommended that the parties undertake additional
05 efforts at ADR. Such efforts are unlikely to be successful without all principals present. Secondly,
06 the unsuccessful mediation took place prior to the issuance of Judge Robart's orders relating to
07 summary judgment (Dkts. 32 and 37), which may aid in settlement.

08 Therefore, a settlement conference is scheduled for May 27, 2005, starting at 9:30 am
09 (with a more detailed minute order to follow shortly). The date may be rescheduled to another
10 mutually convenient date at the request of the parties and with the permission of the court. The
11 parties shall have the necessary principals in attendance at the settlement conference.

12 The Clerk is directed to provide a copy of this Order to all counsel of record and to the
13 Honorable James L. Robart.

14 DATED this 20th day of May, 2005.

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17 Mary Alice Theiler
18 United States Magistrate Judge
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